

challenges under the Due Process Clause” and that Johnson, therefore, does not apply to invalidate the residual clause of the career-offender guideline. Id. at 890, 895.

In the wake of the Beckles decision, Petitioner filed a supplemental brief in support of his Motion to Vacate, in which he argues that Beckles does not resolve his claim for relief because he was sentenced when the Sentencing Guidelines were mandatory, rather than advisory. (Doc. No. 6.) The Government has filed a Response to the Motion to Vacate. (Doc. No. 7.) Petitioner now moves to hold this action in abeyance pending the Fourth Circuit’s decision in United States v. Brown, Case No. 16-7056, in which the defendant argues that his sentence should be vacated under Johnson because he was classified as a career offender based on the residual clause of the career-offender guideline when the Guidelines were mandatory. Brown, at Doc. 42.

For the reasons stated by Petitioner, and without objection from counsel for the Government, the Court concludes the Motion to stay should be granted.

IT IS, THEREFORE, ORDERED that Petitioner’s Motion to hold his § 2255 Motion to Vacate in abeyance (Doc. No. 8) is **GRANTED**, and this action is stayed pending the Fourth Circuit’s decision in United States v. Brown, No. 16-7056. Thereafter, Petitioner shall have 14 days from the date the Fourth Circuit issues its mandate in Brown to file a reply to the Government’s Response to the Motion to Vacate.

Signed: May 17, 2017



Richard L. Voorhees
United States District Judge

